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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		A	TTORNEY DOCKET NO.	CONFIRMATION NO.	
09/766,395	01/19/2001		Young Soo Han			CHAES7.001AUS	7396	
20995	7590 12/15/2003					EXAMINER		
KNOBBE N	MARTEN	S OLSON &		LEE, EDMUND H				
2040 MAIN STREET FOURTEENTH FLOOR						ART UNIT	PAPER NUMBER	
IRVINE, CA					_	1732		

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)					
Office Action Summary			09/766,395		HAN, YOUNG SOO				
			Examiner		Art Unit				
			EDMUND H. LEE		1732				
Period fo	The MAILING DATE of this commun or Reply	ication appe	ears on the cover she	t with the c	orrespondence ad	ldress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status									
1)⊠	Responsive to communication(s) file	ed on <u>19 Jai</u>	nuary 2001.						
2a) ☐	This action is <b>FINAL</b> .	2b)⊠ This a	ction is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims									
4)🖂	Claim(s) 1-36 is/are pending in the a	application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)	) ☐ Claim(s) is/are allowed.								
6)	S) Claim(s) is/are rejected.								
7)	☐ Claim(s) is/are objected to.								
8)⊠	Claim(s) <u>1-36</u> are subject to restricti	on and/or e	lection requirement.						
Applicati	on Papers								
9)☐ The specification is objected to by the Examiner.									
10) 🗌	10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) 🔲	The oath or declaration is objected to	by the Exa	miner. Note the atta	ched Office	Action or form PT	O-152.			
Priority under 35 U.S.C. §§ 119 and 120									
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:									
	<ol> <li>Certified copies of the priority documents have been received.</li> <li>Certified copies of the priority documents have been received in Application No</li> <li>Copies of the certified copies of the priority documents have been received in this National Stage</li> </ol>								
* 8	application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.								
13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.									
a) The translation of the foreign language provisional application has been received.									
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.									
Attachment	t(s)								
1) 🔲 Notice	e of References Cited (PTO-892)		· —		PTO-413) Paper No(s				
	e of Draftsperson's Patent Drawing Review (P nation Disclosure Statement(s) (PTO-1449) P				atent Application (PTC	)-152)			
اانانانا نے ر	nation Disclosure Statement(S) (F10-1449) P	ahei 140(2)	6) [_] Other		•				

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-14, drawn to an apparatus for making an artificial nail, classified in class 425, subclass 127.
  - II. Claims 15-36, drawn to a method of making an artificial nail, classified in class 264, subclass 266.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another materially different apparatus or by hand such as manually placing the film between the two surfaces of the mold instead of using a film supplier.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

EDMUND H. LEE Primary Examiner

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EHL